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Jack Cluen

U.S. BANKRUPTCY COURT  
FILED  
NEWARK, NJ

08 JUN 23 PM 3:06

JAMES J. WALDRON  
BY: DEPUTY CLERK

In re:

ROBERT'S HOME DESIGN, INC.,	:	UNITED STATES BANKRUPTCY
Debtor	:	COURT
	:	DISTRICT OF NEW JERSEY
ERIC R. PERKINS,	:	CASE NO.: 07-10796
Plaintiff	:	ADVERSARY NO. 08-1557
v.	:	
JACK CLUEN,	:	<b>Civil Action</b>
Defendant	:	<b>ANSWER, and JURY DEMAND</b>
	:	
	:	

Defendant, Jack Cluen, residing at 344 Joralemon St., Township of Belleville, County of Essex and State of New Jersey, by way of Answer to the Complaint, says:

#### **FIRST COUNT**

1. Defendant denies the allegations of Paragraph 9.
2. Defendant denies the allegations of Paragraph 10.
3. Defendant denies the allegations of Paragraph 11.
4. Defendant denies the allegations of Paragraph 12.
5. Defendant denies the allegations of Paragraph 13.
6. Defendant states Plaintiff conclusion is incorrect.

#### **SECOND COUNT**

7. Defendant, Jack Cluen denies all allegations previously set forth.
8. Defendant admits to the allegations of Paragraph 16.
9. Defendant neither admits nor denies the allegations of Paragraph 17.
10. Defendant denies the conclusion put forth in Paragraph 18

### **THIRD COUNT**

11. Defendant, Jack Cluen denies all allegations previously set forth.
12. Defendant admits to the allegation contained in Paragraph 20.
13. Defendant denies the allegations of Paragraph 21.
14. Defendant denies the conclusion put forth in Paragraph 22.
- 15.

**WHEREFORE**, Defendant, Jack Cluen, demands judgment in their favor dismissing the Complaint and any cross-claims, if any, in their entirety with prejudice and awarding the Defendant their reasonable costs and attorneys fees, and such other and further relief as this Court may deem just and proper.

### **SEPARATE DEFENSES**

#### **FIRST SEPARATE DEFENSE**

Plaintiff's complaint fails to state a claim upon which relief may be granted against the answering Defendant.

#### **SECOND SEPARATE DEFENSE**

Plaintiff's complaint is or may be barred by the application of the Statute of Limitations and/or Statute of Repose.

#### **THIRD SEPARATE DEFENSE**

Plaintiff's complaint is barred by the Doctrines of estoppel, laches and/or waiver.

#### **FOURTH SEPARATE DEFENSE**

The answering Defendant did not violate any duty to the Plaintiff under common law, statute or otherwise.

#### **FIFTH SEPARATE DEFENSE**

Without admitting liability herein, which is expressly denied, Plaintiff's claim, if any, is barred or diminished by equitable principles.

## **SIXTH SEPARATE DEFENSE**

To the extent the Plaintiff seeks equitable relief, such relief is barred by Plaintiff's unclean hands.

## **SEVENTH SEPARATE DEFENSE**

Plaintiff's rights if any to the relief request in the complaint is barred by the statute of frauds.

## **EIGHTH SEPARATE DEFENSE**

Plaintiff is without standing to seek the relief requested in the Complaint.

## **NINTH SEPARATE DEFENSE**

Plaintiff's damages, if any, are due to the acts and/or omissions of third persons over whom the answering Defendant had no control or right of control.

## **TENTH SEPARATE DEFENSE**

The Complaint is barred by the entire controversy doctrine.

## **ELEVENTH SEPARATE DEFENSE**

The Plaintiff failed to mitigate any damages the Plaintiff allegedly sustained.

## **TWELVTH SEPARATE DEFENSE**

The Court lacks in personam jurisdiction over the Defendant and, accordingly, the Complaint should be dismissed.

## **THIRTEENTH SEPARATE DEFENSE**

The answering Defendant reserve the right, pending the completion of discovery herein, to assert such additional defenses as may exist.

## **DEMAND FOR SPECIFICATION OF DAMAGES**

Pursuant to Rule 4:5-2, Defendant demands service upon the undersigned within five (5) days of the date hereof, a written statement of damages claimed in the Complaint.

## **DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rules 4:5-1(c) and 4:25-4, Christopher A. Errante, Esq., is hereby designated trial counsel for Defendant in the above matter.

## **JURY DEMAND**

The Defendant hereby demands trial by a jury of twelve (12) persons on all triable issues of this complaint, pursuant to R. 1:8-2(b) and R. 4:35-1(a).

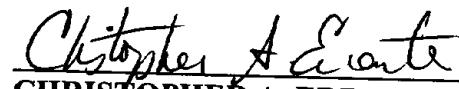
Dated: June 19, 2008

Christopher A. Errante  
Christopher A. Errante, Esq.  
Attorney for Defendant, Jack Cluen

**CERTIFICATION OF TRIAL COUNSEL**

I certify the matter in controversy is not the subject of any other action or arbitration proceeding or contemplated action.

**CHRISTOPHER A. ERRANTE, ESQUIRE, L.L.C.**

  
Christopher A. Errante  
CHRISTOPHER A. ERRANTE, ESQ.  
ATTORNEY FOR DEFENDANT, JACK CLUEN

*DATED: June 19, 2008*